IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re patent application of: Roberto Pavez Aranguiz

Application No.:	10/685,613	Examiner:	CHEUNG, William K.
Filing Date:	10/15/2003	Group Art Unit:	1796
		Confirmation No.:	5097

For: Filler Containing Polymer Dispersion, Method for its Production and its Use

To: Mail Stop Appeal Brief, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

ATTENTION: Board of Patent Appeals and Interferences

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

This is a Response to Notification of Non-Compliant Appeal Brief mailed April 12, 2010 in the subject application, in which it is asserted that the "Summary of Claimed Subject Matter is incorrectly cited".

Appellants have revised the Summary of Claimed Subject Matter to include citations to the specification including page and line numbers and have included replacement pages reflecting this revision.

Appellant's undersigned attorney may be reached by telephone at the numbers given below. All correspondence should be directed to the address given below.

Respectfully submitted,

Date: May 27, 2010

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V. Summary of Claimed Subject Matter

Claim 18 is directed to a filler-containing polymer dispersion. The dispersion comprises water; particles of at least one filler selected from the group consisting of organic fillers, inorganic fillers and mixtures thereof [page 5, line 2 to page 8, line 28], at least one water soluble organic polymer with a molecular weight of more than 600 and an HLB value of at least 15 [page 10, line 30 to page 12, line 2], and particles of at least one synthetic organic polymer [page 8, line 29 to page 10, line 21], polymerized in the presence of at least one type of the filler particles [page 5, lines 10 to 19], wherein the dispersion has a ratio of filler particle size to synthetic organic polymer particle size of 1.1:1 to 20:1 [page 4, lines 1 to 7; page 4, line 24 to page 5, line 1].

Claim 25 is directed to a process for the production of a filler-containing polymer dispersion, which comprises: emulsion polymerizing at least one radical-polymerizable monomer in an aqueous phase using a polymerization initiator [page 17, line 24 to page 18, line 9], the aqueous phase containing filler particles of at least one dispersed filler with a particle size (d50) [page 5, lines 20 to 29] of 0.01 to 0.5 μm and at least one water-soluble organic polymer with a molecular weight of more than 600 and an HLB value of more than 15 [page 20, lines 7 to 15] whereby a dispersion comprising filler particles and polymer particles is formed.

Claim 33 is directed to a filler-containing polymer dispersion, produced by the process claimed in claim 25. The Board's attention is directed to Appellants' Examples starting on page 22, line 25.

Claim 34 is directed to an adhesive or surface coating composition, comprising at least one filler-containing polymer dispersion according to claim 18. The Board's attention is directed to page 16, lines 17 to 21; and page 22, lines 16 to 22.

Claim 35 is directed to an adhesive or surface coating composition produced by the process of claim 25. The Board's attention is directed to page 16, lines 17 to 21; and page 22, lines 16 to 22.

Claim 40 is directed to an adhesive or surface coating composition comprising: water; particles of at least one filler selected from the group consisting of organic fillers, inorganic fillers and mixtures thereof [page 5, line 2 to page 8, line 28]; at least one water soluble organic polymer with a molecular weight of more than 600 and an HLB value of at least 15 [page 10, line 30 to page 12, line 2]; and synthetic organic polymer particles polymerized in the presence of at least one type of the filler particles [page 8, line 29 to page 10, line 21], the synthetic organic polymer particles having a diameter (d50) [page 5, lines 20 to 29] of 0.03 to 0.5 µm [original claim 2 on page 26, lines 9 to 11]; wherein the dispersion has a ratio of filler particle size to synthetic organic polymer particle size of 1.1:1 to 20:1 [page 4, lines 1 to 7 and page 4, line 24 to page 5, line 1].